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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Implementation of article 22 of the Convention on the Elimination of All Forms of Discrimination against Women

Reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities**

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee, the Secretariat invited the International Labour Organization (ILO), on 19 June 2002, to submit to the Committee a report on information provided by States to ILO on the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of the States parties to the Convention that will be considered at the exceptional session.

2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 11 and related articles of the Convention.

3. The report annexed hereto has been submitted in compliance with the Committee's request.

* CEDAW/C/2002/EXC/1.
** The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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Annex

Report submitted by the International Labour Organization

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Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt within a number of ILO Conventions. Of the 184 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 159 member states;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 156 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 34 member States.

Where applicable, reference is made to a number of other Conventions, which are relevant to the employment of women:

Forced Labour Forced Labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)

Night Work

- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]
- Night Work Convention, 1990 (No. 170)

Underground Work

- Underground Work Convention, 1935 (No. 45)

Part-time Work

- Part-Time Work Convention, 1994 (No. 175)

Home Work

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR's annual report B produced in English, French and Spanish B which are submitted to the International Labour Conference. Direct requests (produced in English and French B and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO's database of supervisory activities, ILOLEX (available on-line or on CD-ROM).

In addition, Part III of the report includes additional information on the countries concerned including statistical tables, information on technical co-operation activities, and annexes (extracts of relevant comments of the CEACR) to Part II of the report.

Part II: Indications concerning the situation of individual countries

ARGENTINA

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Argentina has ratified Conventions Nos. 100, 111, and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 138, 142, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 direct request, the Committee noted the Government's affirmation that although the Plan for Equality of Opportunities between Men and Women in the World of Work 1998-1999 was approved by Decree No. 254/98 of 9 March and contained an order directed at the public administration, with the intention of ensuring that in its respective departments relevant measures would be adopted to implement the objectives of the Plan, these were not inserted institutionally with the result that the level of implementation has been practically nil. The Government stated that only isolated actions took place, including activities for promotion and technical assistance directed at governmental and non-governmental bodies in the Transitory Employment Programme "Community Services" (point 1.1.2 of the Plan).

With reference to the disaggregation by sex of data referring to the employment market at national level, the Committee noted that the National Council for Women (CNM) signed an agreement in 1998 with the National Institute of Statistics and Census (INDEC) with a view to working jointly to produce such data. The Committee noted the statistics on the working population classified by sex, occupational category and branch of activity according to total individual income and observed that 34.5 per cent of wage-earning women workers fall between the first and fourth income decile while the percentage of wage-earning men within this interval is 21.3 per cent. Specifically, in wage-earning work it can be said that within the service sector 37.1 per cent of women workers fall within this lowest income section while only 16.3 per cent come within the ninth and tenth deciles. Comparing these figures with the situation for wage-earning men gives 17.6 per cent and 31.5 per cent respectively. The statistics indicate that 38.8 per cent of all non-wage-earning working women come between the first and fourth deciles while the figure for non-wage-earning men in the same section is 24.6 per cent. The Committee observed that a very high percentage of working women, namely 35.6 per cent, comes within the lowest income levels while for men this is 22.3 per cent. It asked the Government to inform it of measures that are being adopted or may be adopted: (1) to ensure that women have access to jobs with higher levels of responsibility and decision and which are better paid; (2) to avoid the occupational categories in which women work being those linked with traditionally female tasks; and (3) to guarantee equal remuneration for work of equal value.

The Committee also noted the relaunching of the Tripartite Commission for equality of treatment and opportunity between men and women in the world of work during November 2000 to promote application of the principle of equality of remuneration between men and women for work of equal value.

Convention No. 111: In its 1999 observation, the Committee noted with interest Decree No. 66/99 of 29 January 1999, approving the collective labour agreement for the national public administration, which will be in force until 31 December 2000. The Committee also welcomed the fact that, under section 129 of this collective agreement, the parties agree to eliminate any measure or practice which might result in discriminatory treatment or inequality between workers on the grounds of sex, nationality, race, religion, politics, trade union membership or any other criterion.

In its 1999 direct request, he Committee noted with interest Decree No. 254/98 of 9 March 1998, approving the plan for equality of opportunity between men and women in the world of work, and it requested the Government to provide information on the application of the plan, including information on its development, on vocational training and statistics on levels of education and illiteracy, disaggregated by sex.

A report by the Government has been received and will be examined by the Committee of Experts at its upcoming November-December session.

Convention No. 156: In its 2000 observation, the Committee noted with satisfaction the promulgation of Act No. 24.714, of 1996, establishing a new family allowance system. Act No. 18.017 B which had given rise to the Committee's comments B is repealed by section 25 of Act No. 24.714, as are its amendments, as well as Decrees Nos. 770/96, 771/96 and 991/96. The new system introduces important changes, in that the same entitlement to receive allowances for men and women workers is recognized under it, as compared with the previous repealed system, which identified the man as principal beneficiary and which the Committee had indicated was not strictly in conformity with the Convention. The new system is governed by the above Act, by Decree No. 1245/96 and by Social Security Secretariat Decisions Nos. 112/96, 16/97 and 88/97. Under these provisions, where both parents are employed, or are beneficiaries of the integrated system for retirement and pensions or of unemployment insurance, family allowances may be claimed by the person who would benefit from the highest allowance.

In its 2000 direct request on the Convention, the Committee noted, with respect to its earlier comments regarding positive action, the creation of competent bodies in the field, action plans and implemented or planned training courses. It also noted with interest various actions undertaken in respect of the Convention such as, for example, the Federal Plan for Women (1999-2000) carried out by the National Council for Women with funds from the Inter-American Development Bank, which aims to reinforce the position of women at national, provincial and municipal levels. Inter alia, it noted the Ministry of Labour and Social Security Decision No. 463 of 23 July 1998 which establishes in its section 1, under the auspices of the labour secretariat, a technical coordination unit for equality of opportunities at work, with responsibilities which include carrying out focused studies into equality of opportunity and treatment for workers with family responsibilities.

Noting that the Ministry of Labour and Social Security was developing employment programmes which aim to promote employment opportunities among the groups with the greatest difficulties in entering and remaining in the labour market, the Committee requested information on the real and long-term impact of these programmes in reducing the unemployment rate among workers with family responsibilities. The Committee also requested information on the process of transformation of costs to which reference was made in its previous comments on this Article.

The Committee noted also that under Act No. 24716, of 23 October 1996, a woman employee who gives birth to a Down's syndrome child shall be entitled to six months of leave without pay, but with benefits until completion of the period of prohibition from work on the grounds of maternity, with the amount of the benefits being equal to the remuneration she would have received had she been working. While noting this provision with interest, the Committee suggested that consideration be given to the possible revision of the text, whereby such leave may be taken either by the working mother or working father. Similarly, it observed that section 183 of Act No. 20740 regarding temporary leave without pay, provides that a mother certified as caring for a sick, under-age child may receive compensation for length of service or for temporary leave without pay as envisaged under paragraphs (b) and (c) of the section cited above. Observing that section 183 only applies to women workers, and that it is therefore not strictly in alignment with the Convention, the Committee suggested amending the section to apply equally to male and female workers.

The Committee noted from the report of the Coordination Unit for International Affairs that section 179 of the Act on Labour Contracts, of 1976, is not applied, since no regulations have been provided for it. This section

determines that in establishments where the minimum number of women workers determined by the regulations are working, the employer shall provide nursing rooms and childcare for children up to a certain age and under conditions to be fixed later. Given that the Convention is applicable to men and women workers with family responsibilities, the Committee suggested consideration of the possibility of extending this benefit to working fathers. It also requested information as to whether regulations to govern this section of the Act are envisaged and wishes to be kept informed on progress in respect of such regulations. Given that this section can not be applied since it lacks regulations, and that no detailed information has been communicated as to the real conditions of community childcare and family services, the Committee repeated its request for such information.

Convention No. 3: In its 2001 direct request, the Committee noted the Government's indications that dependent women workers enjoy medical assistance in the framework of their social welfare ("Obra Social") which generally provides special coverage for maternity. The Committee requested the Government to supply further information on the nature of the care provided for women workers in the framework of "Obras Sociales" during maternity leave as well as on the conditions on which care is provided.

Referring to its previous comments, the Committee noted the information supplied by the Government on section 2 of Legislative Decree No. 1.245/96. It noted that the Government had not indicated whether women workers who do not fulfil the qualifying period of three months laid down in section 11 of Act No. 24.714 concerning the family benefits scheme are nevertheless entitled to cash benefits from public funds or under a public assistance scheme. The Committee requested the Government to specify whether this is the case.

In reply to the Committee's previous comments concerning Article 4 of the Convention, the Government referred once again to section 177 of Act No. 20.744 concerning employment contracts which guarantees stability of employment for a woman worker from the time at which she notifies her employer of her pregnancy. Moreover, under section 178 of this Act, any dismissal during the seven-and-a-half months before or following the date of confinement shall be presumed to be based on the maternity unless the employer produces proof that the dismissal is on other grounds. In the absence of such proof, a dismissed woman worker shall be paid compensation for undue dismissal as well as special compensation amounting to one year's wages because of her maternity. The Committee was aware that the provisions of the abovementioned Act No. 20.744 apply to a period of protection longer than that laid down in the Convention and offer certain guarantees against unjustified dismissal of women workers during the period of their pregnancy and after confinement. These provisions were not, however, sufficient in themselves to guarantee full application of this provision of the Convention. In fact, *Article 4* of the Convention prohibits the employer from giving a woman worker notice of dismissal during her absence on maternity leave, or from giving her notice of dismissal at such a time that the notice would expire during her absence, without referring to the possibility of authorizing dismissal in certain particular or exceptional circumstances for a reason that is considered lawful under national legislation. In these circumstances, the Committee hoped that the Government would be able to re-examine the issue and requested it to indicate in its next report any progress made with a view to ensuring full application of this provision of the Convention.

ARMENIA

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Armenia has ratified Conventions Nos. 100 and 111 (both in 1994). It has also ratified Convention No. 122.

II. **Comments made by the ILO supervisory bodies.** Detailed first reports on these Conventions have been requested and are overdue. Thus, there are no pending comments of ILO supervisory bodies as of now.

BARBADOS

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Barbados has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 direct request, the Committee recalled the Government's statement that, where wages are determined by collective bargaining, employers and unions engage in joint job evaluation exercises, and that in some cases job evaluation exercises have been carried out by individual companies. The Committee reiterated its request to the Government to provide, in its next report, more detailed information on joint job evaluation exercises carried out in the private sector, including information on the methodology applied. The Committee also recalled the Government's statement in an earlier report that the Labour Department has launched a survey in the plantation sector which also includes statistical data. The Committee reiterated its request to the Government to provide, in its next report, the results of this survey, including statistical data on the number and sex of the workers employed in the various wage categories.

The Committee also noted from the Continuous Labour Force Sample Survey Report draft (1994-99), published by the Barbados Statistical Service, that in 1999 6.56 per cent of men earned an average weekly wage over $800, while only 5.27 per cent of women workers were in the same wage band; 24.43 per cent of men earned a weekly average wage of $400-599, while 16.52 per cent of women workers earned this wage; and an average weekly wage of less than $400 was earned by 55.72 per cent of men, compared with 66.78 per cent of women workers. The Committee requested the Government to continue to provide available statistical information showing the remuneration of women and men and to report on the measures taken or envisaged to promote and facilitate access by women workers to positions offering higher levels of remuneration, where they continue to remain under-represented.

Convention No. 111: In its 2001 direct request, the Committee noted with some concern the Government's statement in its report in relation to *Article 2 of the Convention* indicating that "Barbados currently has no reason to implement policy in respect to access to vocational training; access to employment and to particular occupations and to terms and conditions of employment". Nevertheless, it noted that the Government had introduced changes to shift from the concept of women in development to gender and development in order to take a more inclusive approach involving both men and women in the promotion of equality. The Committee also noted that the functions of the Bureau of Gender Affairs and the National Advisory Council on Gender Affairs include, inter alia, the adoption of a national plan on gender and development and refinement of policies. In this regard, the Committee stressed the importance of every country formulating, updating and implementing a national policy to promote equality of opportunity and treatment in employment in accordance with national conditions. Not only is it one of the primary requirements of the Convention, it is a fundamental principle for the establishment of decent work for men and women. The Committee pointed out that data provided in the Barbados Labour Market Information System (BLMIS) reveals the importance of continuing to promote gender equality in training and employment. In reviewing change between 1995 and 2000, while there has been an overall reduction in unemployment, and labour force participation rates remain unchanged and similar between men and women, women continue to suffer from a higher unemployment rate than men (unemployment rate of men: 7.3 per cent; women: 11.3 per cent in 2000). In terms of employment, the 1995-2000 comparison shows that employment of women increased only in government service, while men enjoyed increases in self-employed and private employment categories. Moreover, more women are engaged in unpaid family worker and apprentice status in 2000 than in 1995. The number of men in the same employment status remains the same. In view of the

organizational change in the Government and the actual situation of women in the labour force, the Committee hoped that the Government will be in a position to establish an employment equality policy and will provide a copy of the gender action plan upon adoption.

The Committee welcomed the Government's initiative in police training and the positive results of the training. The Committee also welcomed the Government's undertakings in relation to HIV/AIDS including setting up a National Commission on HIV/AIDS and completion of a National Plan of Action involving public education. The Committee requested the Government to indicate whether it intends to define HIV/AIDS as a ground upon which discrimination is prohibited in employment and occupation. Further to its previous comment, the Committee requested the Government to provide information on the status of any legislative or other initiative on sexual harassment at work.

Convention No. 122: In its 2001 direct request, the Committee referred to the Youth Employment Scheme (YES) established in 1995. This programme targets 18-30 year-olds and provides general business counselling, technical assistance for marketing and accounting, financial assistance, mentors, and outreach programmes to encourage entrepreneurship. The Government stated that YES had assisted in the start-up of 55 businesses, over 75 per cent of which are still in business; has facilitated expansion of 74 businesses; and created 61 jobs. The Committee noted this information and requested further information on existing programmes to promote employment of other categories of workers such as women, people with disabilities, and older workers.

The Committee also noted with interest the results of the survey of the informal sector conducted in 1997-98. The survey found that workers in the informal sector have low skills and consequently low productivity, businesses are managed poorly, and producers have limited access to markets. The poor performance of informal sector businesses was due in part to the fact that most government support to business caters only to the needs of larger enterprises in the formal sector. The informal sector, although currently under-producing, has tremendous potential for growth, and is very important for the livelihoods of a large proportion of the working population. The survey recommends providing more support to informal sector producers to help them improve productivity and access to markets, while at the same time avoiding harassing or penalizing them for operating outside the official regulatory boundaries. The Committee asked for further information on any follow-up action taken in light of these findings and recommendations.

CZECH REPUBLIC

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, the Czech Republic has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 100, 105, 111, 122, 142, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: in its 2001 observation, the Committee noted with interest that the Labour Code of 1965 was substantially amended in 2000 in order to bring it into conformity with the relevant European Union legislation and the Convention. Section 1 of the Labour Code prohibits discrimination against employees on the ground of sex, inter alia, and establishes that all employers shall ensure equal treatment of all employees as regards their working conditions, including pay and other considerations (emoluments) in cash or kind for their work.

The Committee also noted that Act No. 1/1992 on wages, remuneration for stand-by and average earnings, which governed remuneration in all spheres except for wages in "budgetary organizations" (i.e. organizations

financed from the state budget), had been amended by Act No. 217/2000. Act No. 217/2000 also amends Act No. 143/1992 on pay, remuneration for stand-by in budgetary and certain other organizations and bodies. The Committee noted that this Act requires the payment of equal remuneration for men and women for work of equal value and that a job classification system will be used for determining the wages based on the same criteria for both men and women. The Committee also noted that the principle of equal pay is extended to all components of remuneration. The Committee noted with interest the classifications provided in the law as to how work of the same or equal value is to be determined, and that the Act sets out the objective criteria to be used to appraise the same or comparable difficulty, responsibility, exertion, working conditions, work capacity and work performance of the employee.

In its 2001 direct request on Convention No. 1000, the Committee noted that Act. No. 217/2000 of 27 June limits the understanding of same work or work of equal value to the same employer. Recalling that the Convention extends the principle of equal remuneration for work of the same value beyond the same establishment or employer, and requires that comparisons be made as wide as the scope at which wages are set, the Committee asked the Government to include the scope at which wages are set and hopes that comparisons can extend to this breadth.

The Committee noted the information submitted by the Government stating that the Ministry of Labour and Social Affairs has already developed a methodology to evaluate various types of jobs, which introduces criteria to assess the equality of remuneration. The Committee observed that its application would only start once the Public Service Act has been adopted, which was still under preparation. The Government indicated that this methodology would be applied as from January 2002 at the earliest and although it was applicable only to state employees it would be available for the settlement of conflicts in the private sector by analogy.

Relevant to its previous comments referring to the measures that the Government has taken to protect women from reduction of wages as a result of pregnancy, motherhood or family responsibilities, the Committee noted that the Government had proposed an amendment concerning the benefits during pregnancy and maternity. The Committee asked the Government to provide information on the adoption of this amendment and to send a copy as soon as it is adopted.

The Committee also noted the Government's statement confirming that the difference between men's and women's earnings continues to persist and is even slightly worsening. The statistical data provided by the Government for 2000 show that women's average earnings are 71.86 per cent of men's with women earning in the private sector 73.97 per cent of men's salaries and only 70.74 per cent in the public sector. If analysed by sectors, the biggest earnings gap is found in the banking and insurance sector where women's earnings are 46.38 per cent less than those of men's; in trade the difference is 42.5 per cent; in hotels and restaurants 37.66 per cent; in health and social services 33.69 per cent; in industry 31.37 per cent; in education 33.69 per cent; and in administration 26.39 per cent less than men's. The Government stated that the difference between men's and women's working hours and work content has an impact on the different earning levels of remuneration. While women have in general higher education levels than men do, women have a higher participation in non-manual jobs, except professional and management workers on the one hand and non-skilled workers on the other. At the managerial level there are more men than women. For example, men have a dominant position in the three highest grades and only 12 per cent of women are found in the highest grade.

The Committee noted that by a resolution of 1998 the Government invited the Ministry of Labour and Social Affairs to coordinate all action in the area of equal opportunities for men and women with the cooperation of other ministries. The Government stated that the national action plan had been reviewed in June 2000, and among the measures adopted in the action plan relevant to the principle of equal remuneration, special attention was to be given to: (1) the inspection activities regarding the observation of labour legislation; and (2) the promotion of such principle by means of negotiations in the Council for Economic and Social Agreement. The Committee

asked the Government to continue to provide information on the activities that the Council for Economic and Social Agreement ("tripartite") carries out in order to ensure the principle of equal remuneration for men and women in collective agreements or during the collective bargaining process.

The Committee noted that no specific labour inspections were conducted in 1998 nor during 1999 regarding the application of discrimination provisions on the basis of sex, and that no labour offices registered cases of complaints on wage discrimination. The Government expected that with the amendments of the legislation, in particular of the Labour Code and of the Act on wages, remuneration for stand-by and average earnings, and the Act on pay, remuneration for stand-by in budgetary and certain other organizations and Bodies, there were to be changes in relation to the presentation of complaints. The Committee asked the Government to provide information on the measures it is taking in order to publicize the recent amendments in the labour legislation so both women and men know their rights and that they are entitled to enforce and defend them.

Convention No. 111: In its 2001 observation, the Committee noted with interest that Act No. 167/1999 amended Act No. 1/1991 on employment, and that a new section 1 was introduced, which stipulates as prohibited grounds of discrimination in employment, race, colour, sex, sexual orientation, language, creed and religion, political and other opinion, membership and/or activities in political parties or political movements, national extraction, health condition, age, marital or family status or family responsibilities, except in cases where the law so provides or where there is a valid ground, vital for the performance of the job, inherent in prerequisites, requirements and nature of the job to be performed by the citizen concerned. The Government indicated that by moving the prohibition of discrimination from the preamble to section 1, it would be easier to enforce these provisions and to impose penalties in cases of its violation by employers.

The Committee noted that new institutions have been created including a Council for Human Rights, with a section for combating racism, and an Inter-ministerial Commission for Romany Affairs. The Committee takes note of the information supplied by the Government that a significant change in the state employment policy has taken place with the adoption of the National Employment Plan in May 1999, which will improve chances of job applicants belonging to vulnerable groups, including Roma job applicants. Further to previous comments, the Committee requested the Government to provide information on the practical impact of the measures taken to promote equality between women and men in employment and occupation and to raise awareness of girls and young women about employment and training opportunities available to them beyond those considered "typically female" occupations.

GREECE

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Greece has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 100, 103, 105, 122, 138, 142, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 observation, the Committee noted the Government's reply to its previous comment indicating the lack of any need for the Government to study equality of remuneration because remuneration is fixed through the General Collective Labour Agreement as well as sectoral agreements, unequal wages for the same work are formally prohibited, and no discrimination on the ground of sex exists. At the same time the Committee noted that in the second and third periodic reports under the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the Government recognized the existence of a significant earnings gap between men and women in all sectors with reference to the period 1985-93. The

Committee also drew the attention of the Government to the concluding observation on these reports (1999) formulated by the United Nations Committee on the Elimination of All Forms of Discrimination against Women, which noted positive trends in the employment situation of women, but also expressed concern about their situation in the formal and informal labour market, highlighting the "continuing pay gap between women and men". Moreover, it has expressed its concern that "many of the new jobs occupied by women provide only low pay and limited career prospects". This Committee had repeatedly emphasized that an analysis of the position and pay of men and women in all job categories within and between the various sectors is required to address the pay gap between men and women, which exists to some extent in all countries. The Committee asked the Government to take into consideration the possibility for the General Secretariat for Equality to conduct studies on the position of men and women in the labour market, the extent of pay differentials, and the factors which perpetuate pay differentials between men and women in both formal and informal sectors in order to enable appropriate measures to be developed and implemented to promote equal pay for men and women for work of equal value.

In its 2001 direct request on Convention No. 100, the Committee noted that Act No. 2738/99 ensures for public officials the right to bargain collectively on conditions of employment. Moreover, the Committee noted that the new Code on the Conditions of Service of Officials and Employees of the Public Administration and Public Entities expressly provides in section 46(4) the right of trade unions to bargain with the competent authorities on the remuneration of their members. The Committee asked the Government to supply any relevant collective agreements negotiated in the public service. It also asked the Government to provide a copy of Act No. 2470/1997. The Committee also asked the Government to provide information on the methodology used in wage setting, through collective negotiation or otherwise, to ensure that sex stereotyping or other such gender bias does not enter into the process.

The Committee also noted from the Government's report that the Labour Inspectors and the Services of the Ministry of the Interior and Public Administration were entrusted with the supervision of the application of the legislation relating to the content of the Convention. In this regard, the Committee asked the Government to provide information on how equal pay is supervised, including information on the methods used, the existence of complaints and the manner in which complaints have been dealt with including any remedies and sanctions applied.

Convention No. 111: In its 2000 observation, the Committee noted the adoption of Act No. 2713/1999 respecting the Internal Affairs Service of the Greek police, section 12 of which sets out the reasons and criteria justifying the limitation imposed by Act No. 2226 of 13 December 1994 concerning the percentage of women admitted to the police school (a maximum of 15 per cent) and the fire brigade school (maximum 10 per cent). With regard to the procedure, the Committee was bound to regret that the 1999 text, which provides a justification for these numerical restrictions, was adopted a posteriori, that is five years after the adoption of the text establishing these restrictions. On the substance, the Committee noted that, accord' g to the explanations provided respecting section 12 of Act No. 2713/1999, the percentages fixed correspond to the percentages of posts which may be occupied without distinction by men or women (administrative activities, passport control, traffic police, etc.), while the 85-90 per cent of the remaining posts correspond to functions which, according to section 12, "require such qualities as physical strength, rapidity and endurance which, by common sense and experience, only men possess in view of their biological characteristics". The Committee recalled in this respect that in accordance with Article 1, paragraph 2, of the Convention, any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination, provided that such distinctions, exclusions or preferences are determined objectively and really take into account the individual capacities of each candidate for a specific job, rather than being extended to all the jobs in a sector of activity. The Committee was of the opinion that in this instance the exclusion of women from 85-90 per cent of the jobs in the police and fire brigade - on grounds that they have not the necessary physical strength and endurance - demonstrates an absence of an in-depth examination of each case on the basis of the individual capacities of applicants and reflects archaic and stereotyped concepts with regard to respective roles and abilities

of men and women. The Committee hoped the Government would consider removal of percentage restrictions on women and that it would allow all men and women to compete individually for the posts in question. It requested the Government to undertake an in-depth re-examination of the concept of the "qualities required for a specific job", as it is currently applied in the police force and fire brigade, and hopes that it would take into account objectively: (a) the essential requirements inherent in each category of jobs designated by name; (b) the competence of the individual assigned to carrying out such functions; and where possible (c) the reasonable adaptations which are necessary (that is, which would not impose an excessive burden in terms of cost or inconvenience for the operation of the institutions concerned) to enable women who so wish to have access to certain functions in the police and the fire brigade.

In its 2000 direct request on Convention No. 111, the Committee noted the statistical information provided by the Government on the increase in the number of women in the national and regional public service in 1997 and noted that, while the number of women heads of directorates in ministries and regions rose from 22.5 per cent in 1996 to 26.4 per cent in 1997, the percentage of women heads of sections remained stable from one year to another (38.4 per cent) and that there were also 33.8 per cent women heads of independent offices in 1997.

The Committee noted the two initiatives taken by the Government, one to combat unemployment, or the "ADAPT" initiative, which intervenes in the provision of training to workers, including women to adapt their qualifications to labour market requirements; and the other, the "NOW" initiative, which aims to promote equal opportunities in employment and vocational training and emphasizes the provision of training to women to upgrade their professional qualifications, enable greater numbers of them to have access to managerial positions and improve their management of the firms or cooperatives that they set up. The Committee recalled that in its previous comment it noted the high level of occupational segregation, that is the propensity of persons of a particular sex to follow studies or training leading to a type of employment or occupation in which persons of that sex are in the majority, which prejudices women despite the rise in their general educational levels. For this reason, the Committee requested the Government to provide information, including statistics, on the impact of the above initiatives and on the very marked division between sectors of employment which are traditionally considered to be male and those traditionally considered to be female.

The Committee also noted the Government's statement that, during the period under consideration, there were no decisions by the courts involving questions of principle relating to the application of the Convention. However, it noted that in its concluding observations (A/54/38, paragraphs 172-212), the United Nations Committee on the Elimination of Discrimination Against Women expressed its concern that a number of recent court cases had questioned the legality of affirmative action and temporary special measures aimed at accelerating de facto equality between men and women. Noting that Article 2 of the Convention advocates the adoption of a policy designed to promote equality of opportunity and treatment in respect of employment and occupation and that the adoption of programmes of affirmative action can be one of the components of such a policy, the Committee asked to be kept informed of any developments in this respect.

The Committee note further that, according to the above concluding observations of the United Nations Committee on the Elimination of Discrimination Against Women, there was a high incidence of sexual harassment in the workplace and that there were no clear legislative provisions on this matter. It also noted the reticence of women to avail themselves of available complaint mechanisms in the event of discrimination. The Committee therefore requested the Government to indicate the measures which have been taken or are envisaged to combat sexual harassment at the workplace and to encourage women to exercise their rights and appeal to the courts when they consider that they have suffered discrimination, including discrimination in employment and occupation.

The Government has submitted a report on Convention No. 111 which will be examined by the Committee of Experts at its November-December 2002 session.

Convention No. 156: In its 2000 direct request, the Committee noted that according to the Government, Act No. 2693/1998 issuing the "regulations on industrial relations, the establishment of the labour inspectorate and other provisions" has amended certain provisions of Act No. 1483/1984 on "the protection of workers with family responsibilities and the facilities granted to them". The Committee understood that enterprises with fewer than 100 employees are now covered by all the provisions of Act No. 1483/1984 and, in particular, that since the Act came into force, the employees are able to apply for parental leave (three-and-a-half months' unpaid leave per parent to be taken in a period immediately after the maternity leave and before the child reaches the age of 32). The Committee welcomed this information. Since the Government's report did not refer to the situation of workers who have no work contract and are apparently excluded from the benefit of Act No. 1483/1984, the Committee requested the Government to indicate which provisions of Convention No. 156 apply to this category of workers. Recalling that seafarers are also excluded from the scope of the abovementioned Act, the Committee reiterated its question about the type of benefits allocated to seafarers B of both sexes B under the Special Family Benefits Fund for Seafarers so that they may exercise their right to engage in employment without conflict between their employment and family responsibilities. Noting further that a ministerial order setting the maximum number of days' absence granted to supervise the schooling of children in primary and secondary schools is in the process of being drafted, the Committee asked the Government to state whether this entitlement also applies to workers of both sexes in the private and public sectors.

With regard to the public service, the Committee noted that since the adoption of the Public Servants Code (Act No. 2683/1999), public servants, including men, are now able to take unpaid leave for two years for every child under 6 years of age B in addition to the three-and-a-half months' parental leave mentioned above. Noting also that, according to the Government, section 16 of Act No. 2527/1997 provides for one month's fully paid leave for women public sector employees who adopt a child under 6 years of age, the Committee wanted to know whether male public employees in the same position are excluded from this entitlement.

The Committee also asked the Government to state whether, under the new legislation (Act No. 2683/1999), male teachers with children under 2 years of age may also benefit from the reduction of two hours in the weekly timetable, as provided in section 30(14) of Act No. 2083/1992 on "the modernization of higher education". The Committee recalled in this connection that Convention No. 156 applies to workers of both sexes with family responsibilities and that it is based on the postulate that men and women must assume equal responsibilities for their children and have the same share in family obligations, so that men and women have equal access to all existing services and arrangements in this area. For there to be real equality of opportunity and treatment between men and women in employment and occupation, there must be an improvement in general working conditions for *all* workers.

The Committee noted the efforts made by the Government to develop public and private community services, such as childcare and family help services or facilities. With regard to the pilot programme concerning the opening of kindergartens in the afternoon, the Committee noted that this programme is open to mothers engaged in shift or non-continuous work who are therefore unable to ensure the necessary care and education during the afternoon, and asked the Government to state whether it is planned ultimately to extend this programme to fathers engaged in shift or non-continuous work. Noting that the Ministry of Health and Welfare plans to extend the experience, the Committee asked the Government to continue to inform it of any progress made in this area, in view of the fact that, as the number of kindergartens or facilities for childcare open during the afternoon grows, it should ultimately be possible for workers with family responsibilities, be they men or women, fully to exercise their right freely to choose their employment, i.e. on an equal footing with workers who have no family responsibilities, and thus avoid their being over-represented in precarious or part-time jobs.

Convention No. 103: In its 1998 direct request, the Committee, with reference to its previous comments, noted with interest that women agricultural workers are covered by the same legislation as other female employees insured by the Social Insurance Institute (IKA). The Committee also took note of judicial decisions

communicated by the Government concerning protection against dismissal of women employees during their maternity leave. The Committee noted in this regard that the decisions in question refer to section 15 of Act No. 1483/1984, paragraph 2 of which recalls the applicability of Act No. 1302/1982, making Convention No. 103 an integral part of national law.

Convention No. 122: In its 2001 direct request, the Committee noted information provided by the Government according to which the labour force grew by 0.7 per cent between 1998 and 1999, in large part due to an increase in the participation rate of women and immigrants. Employment grew by 0.1 per cent during 1998-99. Unemployment increased from 11.1 per cent in 1998 to 11.7 per cent in 1999, largely because of the increased participation of women and immigrants, and migration to urban areas. The regions with the highest unemployment were Epirus and West Macedonia. Women and young jobseekers comprise the bulk of the unemployed; however, employment of women during 1988-98 increased by 14 per cent.

GUATEMALA

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Guatemala has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 97, 98, 103, 105, 122, 138, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 direct request, the Committee reiterated its request to the Government to indicate the manner in which the principle of equal remuneration for men and women workers for work of equal value is ensured in Guatemalan legislation or in practice. Article 102(c) of the Guatemalan Constitution provides for "equal wages for equal work performed under equivalent working conditions, and equal conditions of seniority and efficiency". Section 89 of the Labour Code provides that "equal wages shall be paid for equal work performed in equivalent posts, under the same conditions of efficiency and seniority within the same enterprise". The Government has indicated in previous reports that the principle of the Convention was applied in practice by minimum wage tables and in collective agreements governing working conditions. The Committee referred the Government to the language of the Convention, which calls for equal remuneration for men and women workers to be established "for work of equal value". The scope of the Convention reaches beyond a reference to the "same" or "similar" work, using instead the "value" of the work as the point of comparison. The principle of the Convention is intended to apply not only in cases where the same or similar work is performed in the same establishment, but also to discrimination which may arise out of the existence of occupational categories and jobs reserved for women. The Convention is also aimed at eliminating inequality of remuneration in female-dominated sectors, where jobs traditionally considered as "feminine" may be undervalued due to sex stereotyping.

The Committee also returned to its comments concerning the practical application of section 89 of the Labour Code, which provides, in the pertinent part: In complaints filed by female workers alleging salary discrimination on the basis of sex, the employer shall bear the burden of showing that the work performed by the complainant is of inferior quality and value. The Government was asked to indicate whether there are any regulations or guidelines indicating the manner in which the employer may satisfy the burden of proof imposed by section 89. The Committee noted that, in the absence of a system of objective job evaluation such as that contemplated in *Article 3* of the Convention, the elements that the employer is required to show under section 89 could easily be interpreted in a subjective manner, thus lending themselves to possible discriminatory application and possibly reinforcing traditional notions discriminating against working women. The Committee asked the Government to indicate what methods, if any, have been adopted to avoid the discriminatory application of

section 89 and to provide copies of any administrative or judicial decisions interpreting that section of the Labour Code.

The Government indicated that no complaints have been brought by women workers under section 89 of the Labour Code. The Committee asked the Government to provide information on the steps taken or contemplated to promote the application of the Convention, including the dissemination of information to the public regarding the right of men and women workers to equal remuneration, the posting of notices regarding equal remuneration legislation in the workplace, seminars, presentations and other initiatives designed to ensure that workers are aware of their rights under section 89. The Government also stated that no complaints have been made to the labour inspectorate or to the labour and social welfare tribunals regarding the application of the Convention. The Government was requested to provide full information in its next report on the activities of the labour inspectorate in securing the application of the Convention, including information on the number of equal pay inspections conducted, the number of violations found, the action taken and the sanctions imposed.

Finally, the Committee noted that the Government's report contained no data reflecting the average earnings of men and women workers in Guatemala. The Government was requested to provide such information in order to permit an evaluation of the progress made in the application of the Convention to date.

Convention No. 111: In its 2001 observation, the Committee recalled the need to reform the labour legislation in order to effectively ensure equality of opportunity and treatment in employment and occupation. It noted that the relevant provisions had not yet been amended although the draft labour code and draft labour procedure code had been submitted to the Congress of the Republic. Article 14bis of the Labour Code prohibits discrimination based on the grounds of race, religion, political beliefs and economic situation, but does not cover the other grounds provided for in the Convention (colour, sex, national extraction or social origin). The Committee recalled that, although the Convention allows flexibility as regards the process of formulating policy on equality and the form in which measures to achieve the principle of equality are applied, establishment of the principle in a country's basic law does not, on its own, amount to an equal opportunities policy. An express guarantee of equality of opportunity and treatment in employment and occupation and a prohibition of discrimination on the grounds set out in the Convention was called for under the Convention. Furthermore, the Committee was of the view that any provisions adopted to give effect to the principle of this instrument should encompass all the grounds set out in paragraph 1(a) of Article 1 of the Convention.

In its 2001 direct request on Convention No. 111, the Committee noted the promulgation of Ministerial Agreement No. 213-2000 providing for the establishment of the occupational training programme of the Ministry of Labour and Social Welfare, 7 July 2000. The Committee requested the Government to provide a copy of the plan and to report on the measures being taken to promote access to vocational training for women and indigenous peoples. The Committee also observed that the Government was intending to promote legislation classifying sexual harassment as an offence, punishable as an aggravated offence when committed against indigenous women. The Committee asked the Government to state whether such provisions had been adopted. In addition, the Committee asked the Government to send detailed information on the status and working conditions of women employed in the export processing zones, such as statistics, summaries of labour inspection reports, etc., in order that application of the provisions of the Convention may be assured.

Convention No. 156: In its 1999 direct request, the Committee noted that leave of absence in the case of illness of a child or dependent family member was not provided and the Government's statement that there appear to be no national circumstances for establishing through legislation such types of leave which are referred to in *Paragraph 23(1) and (2) of Recommendation No. 165*. Nevertheless, the Government recalled that the provisions of the Recommendation may be applied by other means and states that there are currently a large number of collective agreements in which the system of according leave has been improved and extended. Consequently, the Committee requested copies of such collective agreements and information on any other measure adopted to

promote this provision of the Convention. The Committee also requested the Government whether it had the intention of applying this leave with or without payment of salary and through appropriate measures, in conformity with national practice in the public administration sector.

The Committee noted with interest the development of the Community Homes Programme from which 16,050 children benefit and the opening of the Office for Regulating Child Day-Care Centres. The Committee also noted the information contained in the Handbook of Rights and Obligations of Working Women, published by the Ministry of Labour and Social Welfare which states, under the chapter "Creation of childcare centres" that it is an obligation of the employer to set up childcare centres when there is a group of more than 30 women working in his enterprise or workplace. The Committee requested precise information on the application of this measure. Furthermore, the Committee indicated that the measures designed to promote harmonization of labour and family responsibilities, such as childcare services, should not be specific to women.

Convention No. 103: In its 2000 direct request, the Committee noted from the statistics supplied by the Government that the number of workers belonging to the Guatemalan Social Security Institute (IGSS) increased slightly in 1998, although the proportion of the economically active population covered by the social security scheme, which includes maternity protection, remains stable. The Committee again stressed the importance of extending maternity protection through social security to all women workers covered by the Convention.

In its previous comments, the Committee had stressed the need to amend the legislation in force which allows the employer to be required to bear the cost of maternity benefits for women workers who are not yet covered by the social security scheme (Chapter X, section 10 of the Basic Act respecting the IGSS) and women workers who are members of the social security scheme but have not completed the requisite qualifying period (section 23 of the Regulations on sickness and maternity protection and section 24 of the Regulations on cash benefits). The Government stated that, because the social security scheme extends neither to all workers nor to the whole territory, many women workers are not covered by the IGSS maternity benefits and the State ensures the medical coverage of such workers out of public assistance funds. However, these funds could not as yet pay maternity benefits. The Government considered that, for the time being, the employer's liability is still the only means of providing maternity benefits for women workers who are not protected by the IGSS. The Committee took note of this information and hoped that the Government would continue to take all necessary steps to extend the coverage of the IGSS to the entire national territory and to all women wage earners protected by the Convention, so that, in accordance with *Article 4, paragraph 8*, of the Convention, employers are not liable for the cost of the maternity benefits payable to the women they employ. Furthermore, the Committee reminded the Government of the need to envisage adopting measures whereby women who are members of the IGSS, but fail to qualify for benefits provided as a matter of right, receive benefits out of public assistance funds.

In reply to previous comments of the Committee on Article 6 of the Convention, the Government stated further that under section 46 of the Regulations on sickness and maternity protection, employers may not terminate the work contracts of their employees for as long as the latter receive sickness or maternity benefits. At the end of their incapacity for work, certified by the IGSS, workers must return to their former job or be assigned to an equivalent one with the same remuneration. While noting this information, the Committee was of the view that it would be desirable to align the provisions of the Labour Code (section 151) with those of section 46 of the above Regulations, in order to avoid all ambiguity in the legislation and because not all women workers are affiliated to the IGSS and so do not benefit from the protection ensured by section 46 of the abovementioned Regulations. It hoped that the Government would reconsider this point in the light of *Article 6* of the Convention under which it is unlawful for an employer to give notice of dismissal to a women absent from work on maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such absence. The Committee asked the Government to provide full information on the measures taken or envisaged to ensure that this provision of the Convention is properly applied.

HUNGARY

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Hungary has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 103, 105, 122, 138, 142, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 direct request the Committee noted with interest the adoption of Act XVI of 2001, which harmonizes Hungarian legislation with European Council Directive No. 75/117/EEC on the Approximation of the Laws of the Member States relating to the Application of the Principle of Equal Pay for Men and Women, and Directive No. 97/80/EC on the Burden of Proof in Cases of Discrimination Based on Sex. The Act also introduced the concept of indirect discrimination. The Committee welcomed the Government's indication that following the adoption of this Act, the Labour Code expressly spelled out the principle of equal pay for work of equal value and establishes that "labour wage shall mean every form of direct and indirect allowance in cash or in kind given to the employee on the basis of his employment relation". The Committee invited the Government to provide information on the practical implementation and enforcement of these new provisions, including information on judicial cases and labour inspection processes.

The Committee noted the Government's indication that women's earnings lagged 12.9 per cent behind men's in comparable positions. Noting that according to the statistics included in the 2000 ILO *Yearbook of Labour Statistics* the average wage gap between female and male employees amounted to 20.87 per cent in 1998, the Committee asked the Government to specify the year to which the data it provided refer and to supply up-to-date statistics collected by the National Centre for Labour Research and Methodology to allow the Committee to assess the earnings gap. The Committee noted that the Government has provided statistics on employment disaggregated by sex but has not supplied statistical data on the distribution of men and women in the various occupations and at the various levels in the public sector. The Committee asked the Government to provide such information as well as information on any measures taken or envisaged to reduce the remuneration gap between men and women in the public sector and any progress achieved in this regard.

Convention No. 111: In its 1999 observation the Committee noted that, at its 275th Session (June 1999), the Governing Body approved the report of the Committee designated to examine the representation submitted by the National Federation of Workers' Councils (NFWC) pursuant to article 24 of the ILO Constitution, alleging the Government's non-observance of the present Convention, and of the Employment Policy Convention, 1964 (No. 122). The Governing Body determined that there was insufficient information to permit it to reach any conclusions regarding the issues raised in the representation, including the NFWC's allegations that the Government's enactment of legislation reducing the personnel and social security-related budgets of institutes of higher education had resulted in the dismissal of a disproportionate number of female lecturers and researchers, and it requested the Government to provide additional information on the issues raised in the representation, so that the Committee of Experts could continue to examine the matter.

The Government stated that institutions of higher education are independent and have the right of self-governance as concerns employment policy. This included the institution's right to select its scientific researchers and leaders, as well as the right to make decisions regarding the financial instruments and resources allocated to the institution. In this connection, the Committee recalled the statement by the Governing Body in its report that "under Convention No. 111, the Government has the responsibility of ensuring that discrimination between men and women in employment does not occur" (GB.275/7/3, paragraph 42) (275th Session, June 1999). The Committee therefore requested the Government to indicate whether any measures had been taken or were

contemplated to ensure that the exercise of the educational institutions' right of self-governance is carried out in conformity with the principle of non-discrimination.

With regard to the impact of the budgetary restrictions on the employment of civil servants employed in institutions of higher education, the Government indicated in its report that, during the period in question, 2,287 teaching staff and 4,311 non-teaching staff were dismissed. Of the total number of persons dismissed, 3,114 were men and 3,443 were women. The Government indicated that 35.6 per cent of the full-time teaching staff in the 1994/95 academic year were female, but that the larger part of those dismissed did not belong to the teaching staff. The Committee recalled that the Governing Body also concluded that "the imposition of a different retirement age on women, particularly where this distinction is used to force women into retirement earlier than the compulsory legal retirement age for their profession, would, if such a practice were verified, constitute discriminatory conduct that has a negative impact on women's access to employment and denies them equality of opportunity and treatment in employment and occupation" (GB.275/7/3, paragraph 43) (275th Session, June 1999). The Committee therefore requested the Government to indicate the number of female teaching staff dismissed during the relevant period, as well as the number of female non-teaching staff dismissed.

In its 1999 direct request, in respect of its earlier comments regarding measures taken to ensure equal opportunities for women, the Committee noted the establishment of the Women's Representative Council. The Committee asked the Government to supply information on the structure and activities of the Council, particularly as regards the implementation of the Government's equal opportunity policy in respect of access to employment and occupations, access to vocational training and terms and conditions of employment. The Committee also noted from the report the enactment of Decree No. 2174/1997 (VI.26) to implement the Hungarian action programme on women. The Government is requested to provide information on the manner in which the action programme is being applied in practice and the results achieved.

The Committee noted from the Government's report the measures under consideration to improve the situation of women in the Hungarian labour market, including conducting an investigation into the practical application of the system of sanctions established for violations of the national anti-discrimination legislation and developing vocational training and rehabilitation programmes that take into account the special problems of women re-entering the labour market. The Committee asked the Government to supply information on the status of the investigation and outcomes, if known. In addition, the Committee requested the Government to indicate the number of women participating in the vocational training and rehabilitation programmes mentioned above, the types of courses offered and the nature and extent of any placement services offered for those completing such training courses.

The Committee noted with interest a test case brought by the Equal Opportunities Secretariat of the Ministry of Labour, and the court's decision that sex and age requirements in job advertisements violated the plaintiff's constitutional and human rights.

The Committee noted the Government's statement that labour inspections must cover the employer's observance of the anti-discrimination legislation and regulations pertaining to the employment of women, minors and persons with changed work capacity. The Committee asked the Government to indicate the number of inspections conducted during the reporting period, the number of violations of the discrimination provisions registered, and the action taken.

A report by the Government on the application of Convention No. 111 has been received and will be examined by the Committee of Experts at its November-December 2002 session.

Convention No. 103: In its 1997 direct request the Committee noted with interest the Government's statement that the provisions of the Labour Code concerning maternity protection apply to the public service. The

Government indicated that the labour legislation, including the provisions of section 138 of the Labour Code which concern maternity, do not apply to women working at home in view of the nature of their employment relationship which requires a special regulation. The Committee noted this information and asked the Government to provide a copy of the regulation adopted and to indicate the provisions, which ensure that the Convention is applied to women working at home.

The Government indicated that it is unambiguous from section 138 of the Labour Code that maternity leave is granted in such a way that four weeks should preferably be taken prior to the presumed date of confinement and that the rest of the leave, i.e. 20 weeks, shall be taken immediately after the confinement. The Committee noted this information with interest. It hoped that the Government would be able to take the necessary measures to ensure that the legislation expressly establishes the compulsory nature of postnatal leave so that, in accordance with the provisions of the Convention, a woman may not be authorized to work for at least six weeks after the confinement.

The C mmittee noted that section 90(1)(c) of the Labour Code prohibits the employer from terminating the employment of women workers by *ordinary notice* during pregnancy and for six months after giving birth. However, under section 96(5) this protection is not applicable if their employment is terminated by *extraordinary notice*. The Committee recalled in this connection that *Article 6 of the Convention* prohibits employers from giving notice of dismissal to a woman during her absence on maternity leave or at such a time that the notice would expire during such absence. Noting that the Government's report contained no new information on this matter, the Committee asked the Government to state the measures taken or envisaged to ensure that this provision of the Convention is fully applied. The Committee also asked the Government to indicate whether women whose employment is terminated during maternity leave by virtue of extraordinary notice (section 96(5) of the Code) continue to receive the maternity benefits guaranteed by the Convention.

With regard to women in executive positions who do not benefit from the protection afforded by section 90 of the Code (section 192(2)), the Government stated that the provisions concerning employees in managerial status take into consideration the special circumstances deriving from such status, making no distinction between men and women. It added that it would investigate the need to modify the provisions pertaining to this category of workers. The Committee noted this information with interest. It asked the Government to state the measures taken or envisaged to ensure that this provision of the Convention is applied fully to women in executive positions.

MEXICO

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Hungary has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 105, 142, 170 and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 observation the Committee noted the Government's indication that women's average hourly earnings are significantly lower than those of men in many sectors, although they approach near parity with men's wages in the category of "salaried employees" where, according to the 1997 figures provided in the Government's last report, women earned 98.5 per cent of the average hourly wage earned by men. The Committee further noted from the national employment surveys that, in 1997, 28 per cent received less than one minimum daily salary. The corresponding figures for men were significantly lower, at 13.8 per cent and 18.4 per cent, respectively. The statistics also indicate that three times as many men (2.6 per cent) as women (0.9 per cent) were at the highest wage scale (ten or more minimum daily salaries).

In its comments to the Committee, the Confederation of Business Chambers of Industry (CONCAMIN) stated that national legislation, which established the right of equal pay for equal work performed under equal conditions of efficiency, was compatible with the Convention. In its view, this legislation satisfied the requirements of the Convention. In respect of the principle of equal remuneration for work of equal value, CONCAMIN indicated that there are no standards in place permitting a determination of the relative value of work.

In respect of the above indications and relevant national legislation (article 123 of the Constitution of Mexico and section 86 of the Federal Labour Act), the Committee drew attention to the language of *Article 2(1) of the Convention*, which calls for "the application to all workers of the principle of equal remuneration for men and women workers for work of equal value". Value refers to the worth of the job for purposes of computing remuneration. This broader basis of comparison is intended to reach discrimination which may arise out of the existence of occupational categories and jobs reserved for women and is aimed at eliminating inequality of remuneration in female-dominated sectors, where jobs traditionally considered as "feminine" may be undervalued due to sex stereotyping. The Committee recalled its previous comments that the national jurisprudence indicated that the legal requirement of equal remuneration did not extend to similar work. In this context, it noted from the report that the Steering Committee of the National Women's Commission of the Department of Administration deemed it necessary to continue working on the legislation to promote the principle of equal remuneration for men and women workers for work of equal value. The Committee therefore asked the Government to indicate whether consideration was being given to the possibility of giving legislative expression to the principle expressed in *Article 2*. Moreover, in light of CONCAMIN's communication, the Committee asked the Government to indicate the manner in which the Government is promoting awareness and understanding of the Convention and seeking cooperation with employers' and workers' organizations to give effect to the principle of equal remuneration for work of equal value.

In its 2001 direct request the Committee, referring to its previous comments concerning the disproportionately low number of women employed at the higher paid levels of the Federal Public Administration (APF) in Mexico, reiterated its request that the Government indicate the measures taken or contemplated to promote a greater participation of women in the public and private sector workforce, as well as the measures taken or contemplated to reduce vertical occupational segregation, with particular attention to the APF. The Government was also asked to provide up-to-date statistical information in its next report on the distribution of men and women in the different sectors and at the different levels of the APF and on their earnings, disaggregated by sex.

The Committee noted from statistical information provided in the Government's report under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), that as of June 1999, women made up 49 per cent of the labour force in the *maquiladora* industry. However, the figures indicated that women are concentrated at the lowest pay scales in that industry, with women occupying 22 per cent of managerial jobs in comparison with 55 per cent of general labourer jobs. Further, women earn less than men at all levels of the *maquiladora* industry, earning approximately 79 per cent of men's overall average earnings. The Committee asked the Government to provide information in its next report on the measures taken or contemplated to reduce the male-female earnings gap in the *maquiladora* industry. The Committee asked the Government to provide updated statistical information on the distribution of men and women in the different sectors of the Mexican economy (including the *maquiladora* industry) and their average daily earnings, disaggregated by sex.

The Committee noted the Government's indication that a National Seminar on Equity in Employment was held on 7 October 1998 at which different sectors of society made proposals with the aim of adapting the labour legislation to changing social conditions and to women's present-day working conditions. The Committee also noted the Seminar on Women and Labour Legislation held by the Bicameral Committee of the Women's Parliament on 2 February 1999 to analyse the legislation relevant to women workers. The Committee requested

the information on any follow-up action taken as a result of these seminars, as well as on other measures taken relevant to application of the Convention.

Referring to its previous comments regarding collective agreements for enterprises in which women constituted a significant proportion of the labour force, such as air transport, educational services, medical services, and financial services, the Committee noted the Government's statement that it did not have information on the numbers of women covered by such agreements. The Committee nevertheless asked the Government to provide information on the distribution of men and women in the different occupations and at the different levels of employment in the relevant enterprises. The Committee also noted the sample collective agreement supplied by the Government, which expressed the principle of equal pay for equal work, without regard to sex or nationality.

Convention No. 111: In its 2001 observation the Committee referred to its previous comments on the allegations received over various years concerning a series of systematic discriminatory employment practices in export processing zones (the *maquiladora* industry). These practices discriminate against women by requiring pregnancy tests and other discriminatory practices as a condition for access to employment in *maquiladoras*. These practices are also carried out against women already employed in *maquiladoras*. The Committee noted that allegations concerning these discriminatory practices have been the subject of ministerial consultations in the context of the North American Agreement on Labour Cooperation (NAALC). The Committee previously requested the Government to investigate these allegations and, as appropriate, to take measures to bring them to an end. It had also requested information on the measures taken in practice or which were envisaged to investigate, punish and eliminate such practices, which are in violation of sections 133 and 164 of the Federal Labour Act (LFT).

The Committee noted the amendment on 14 August 2001 to article 1 of the Constitution setting out the principle of non-discrimination, which reads as follows: "All discrimination shall be prohibited on grounds of ethnic or national origin, gender, age, differences in capacities, social situation, health condition, religion, opinion, preference, civil status or any other characteristic prejudicial to human dignity and which is for the purpose of nullifying or prejudicing the rights and freedoms of the individual". The Government indicated that section 133 of the Federal Labour Act (LFT) provides that it is prohibited for employers to refuse to accept workers for reasons of age or sex, and that it is through this provision that the LFT regulates admission to employment. It added that, although Mexican legislation did not specifically cover the issue of discrimination in admission to employment, the Government had taken measures with a view to following up the observations of the Committee of Experts in this regard. The Committee noted the information provided by the Government on the measures of a general nature, including the national consultation initiated by the Secretariat for Labour and Social Insurance, the functions of the Office of the Federal Labour Attorney and the information campaign seeking to promote the integration of women into formal work under conditions of equality of opportunity and treatment. It noted the information campaign carried out by the Secretariat for Labour and Social Insurance targeting indigenous persons in urban areas.

The Committee noted with interest the adoption of the Act respecting the National Institute for Women, published in the *Diario Oficial* of the Federation on 12 January 2001. It noted that the Institute is currently developing the National Programme for Equality of Opportunity and Non-Discrimination. The Committee asked the Government to keep it informed of the activities of the Institute relating to the application of the Convention. The Committee also noted the training courses on gender organized in the context of the Plan of Action for More and Better Jobs, and particularly the training workshop on gender for 38 federal and local labour inspectors. Recalling the Government's statement in its previous report that it was planned to extend the Plan of Action to the remaining frontier states, the Committee requested the Government to provide information in this respect in its next report. In this context, the Committee noted the Government's statement that the Federal Labour Inspectorate and the Secretariat for Labour and Social Insurance have carried out inspections concentrating on the issue of discrimination, and particularly in the export processing industry. The Government stated that between 1998 and

2000 a total of 27,387 inspections were carried out in enterprises in which 1,133,059 women workers were engaged. The Committee noted, as it has in its previous comments, that these figures refer to women who are already employed and not women at the stage of recruitment or hiring.

The Committee noted the Government's statement that the *maquiladora* industry had been one of the most important sources for the creation of jobs for women and that women account for the majority of the workforce in this industry. In view of the high proportion of women employed in the Mexican *maquiladora* industry, the Committee considered that special efforts should be made to ensure that women workers do not suffer discrimination in employment and that they have access to training opportunities and better jobs.

The CTM indicated that Chapter 1 of the Constitution of Mexico provided that "the principle of equality for all inhabitants of the country is based in the enjoyment of the fundamental rights established by the Federal Constitution, irrespective of the condition of Mexican or foreign nationality, race, religion or sex" The CTM added that treatment in relation to employment and occupation and social security is equal in Mexico and that the right to equality is set out in the Federal Labour Act and the social security legislation.

The Confederation of Industrial Chambers of the United States of Mexico endorsed the comments of the CTM and indicated that Mexican employers agree on compliance with the principles of non-discrimination for and in employment.

The Committee once again reiterated that the alleged practices referred to above constitute discrimination in employment and occupation on grounds of sex and requested the Government to take appropriate measures to investigate and eliminate such discriminatory practices. In this context, it requested the Government to amend the LFT to explicitly prohibit discrimination based on sex in recruitment and hiring for employment. The Committee requested the Government to provide detailed information in its next report on any measure that has been adopted and the progress achieved in eliminating such discriminatory practices, and it also requested the Government to provide information on the cases lodged with the local and federal Conciliation and Arbitration Boards and Mexican courts alleging discrimination on grounds of sex.

In its 2001 direct request the Committee, with reference to its previous request, once again asked the Government to indicate whether the seminars, meetings and conferences, the Action Plan "More and Better Jobs for Women in Mexico", and the awareness campaigns on labour rights and obligations for women, undertaken by the General Directorate of Equality and Gender, include the problem of compulsory pregnancy tests as part of the recruitment procedure, especially in export processing zones.

The statistical information provided by the Government showed that in June 1999 women accounted for 49 per cent of the workforce in the *maquiladora* industry. However, while women represented almost half of workers in export processing zones, most of them were concentrated in the lower wage scales. For example, women account of 22 per cent of managerial posts, compared with 55 per cent of jobs as general workers, and their wages are lower than those of men at all levels. The Committee therefore requested the Government to continue providing information on the measures which have been taken or are envisaged in relation to training and employment services so that women can have access to higher skilled and better paid jobs and it asked it to provide information on any progress achieved in this respect.

With reference to its previous comments in which it requested information on the remedial programmes intended to overcome the educational backwardness of rural and indigenous communities, the Committee noted the Government's statement that it is providing support for academic training for indigenous people through a programme of grants for poor indigenous students. Noting that this programme was intended for university-level students, the Committee requested the Government to provide information on the efforts made to ensure that

members of rural and indigenous communities, and particularly women, have access to both primary and higher education.

PERU

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Peru has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 direct request the Committee noted the Government's statement that the principle of equal remuneration for men and women for work of equal value is established in its legislation in provisions which prohibit all forms of discrimination in employment. The Committee recalled that this principle implies the adoption of the concept of work of equal value; and that although there is no general obligation under the Convention to enact legislation establishing this principle since it may also be applied by other means as specified in *Article 2 of the Convention*, legislation is nonetheless one of the best means of securing the principle. The Committee asked the Government to indicate the manner in which it promoted and ensured the principle of equal pay for men and women workers for work of equal value.

The Committee noted the Government's statement that no methods have been established for an objective appraisal of jobs on the basis of the tasks they involve. The Committee reminded the Government that the concept of equal pay for men and women according to the value of their work necessarily implies adopting a method for objectively measuring and comparing the relative value of the tasks performed. Some such method is essential to determining whether jobs involving different tasks have the same value for remuneration purposes. In the Committee's view, a job appraisal which affords a means of systematically classifying jobs according to their content, disregarding the personal characteristics of the workers, is a good means of securing broader application of the principle of equal pay for men and women.

The Committee noted that there have been no complaints under Act No. 26772, which provided that notices of vacancies and access to training may not contain requirements that amount to discrimination, nor any complaints in connection with inspections to monitor application of the principle laid down in the Convention. The Committee asked the Government to continue to provide information on the activities of the labour inspection services in connection with the application of the Convention and on any complaints filed or court decisions handed down for breach of the principle of equal pay for work of equal value.

Convention No. 111: In its 2001 direct request the Committee noted the adoption of Act No. 27270, of 12 May 2000, against acts of discrimination, amending the Penal Code and Act No. 26772 defining discrimination in employment and establishing administrative penalties for the above offence. The Committee requested the Government to indicate whether Supreme Decree No. 002-98-TR, issuing regulations under Act No. 26772, has been amended as a consequence, and also requested it to provide information on any claims made relating to the principle set out in the Convention not only with regard to access to employment and the various occupations, but also concerning conditions of work and vocational training.

The Committee noted that, according to the labour indicators of the National Institute of Statistics and Information (INEI), the rate of underemployment among women rose in 1999 to 49.1 per cent, compared with 38.8 per cent for men. The Committee also noted that women's participation in the labour market continued to decline and that one of the fundamental problems affecting women is poverty. The Committee hoped that the

various programmes that are being implemented would have an impact in practice on the above problem of poverty, thereby contributing to promoting the access of women to the labour market and improving their status therein. The Committee asked the Government to provide information on the measures which had been taken or were envisaged to promote equality of opportunity and treatment in employment and occupation for indigenous women.

Convention No. 156: In its 1999 direct request the Committee noted with interest the information provided by the Government in its report to the effect that Congress is discussing the adoption of the Bill respecting workers with family responsibilities, the text of which was evaluated by the Ministry of Labour and Social Development in report No. 10-99-TR-OAJ-OALS, of 18 March 1999, which was attached to the report. The Committee expressed the hope that the objective of the Act would be to promote the Convention and that it would therefore include within its scope not only men and women workers with responsibilities in relation to their dependent children (*Article 1, paragraph 1*, of the Convention), but also men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support (*Article 1, paragraph 2*, of the Convention). On this subject, the Committee attempted to draw the Government's attention to the possibility of seeking the technical assistance of the Office for the preparation or development of legislation and asked the Government to keep it informed in this respect.

The Committee noted that the Single Consolidated Text of Legislative Decree No. 728 (the Training and Employment Promotion Act), approved by Presidential Decree No. 002-97-TR, issued on 27 March 1997, establishes in section 37(a) that special employment programmes shall principally benefit women with family responsibilities regardless of age.

The Committee noted that the Ministry for the Promotion of Women and Human Development (PROMUDEH) has been engaged in the intensive development of the Wawa Wasi programme, which seeks to develop the so-called *Cuidado Comunitario* homes, which provide very poor women with family responsibilities with an opportunity to improve their access to employment by providing care for their children. It also noted that the National Family Welfare Institute (INABIF) has established day-care centres, a service provided in different areas of the community to parents with family responsibilities with children between six months and 12 years of age. The Committee requested information on the number of children for whom care is provided under these programmes and on whether they operate at the national level, or only in certain districts. The Committee also repeated its request for information on nurseries. Furthermore, it recalled that the Convention covers not only women workers, but all workers with family responsibilities, regardless of sex, and requested the Government to take this into account with a view to incorporating this concept into the legislation at an appropriate time.

UGANDA

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Uganda has not ratified Conventions Nos. 100, 111 or 156. However, it has ratified Conventions Nos. 29, 45, 98, 105, 122, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 122: In its 2001 observation, the Committee noted with interest that the draft Employment Policy had been submitted to the Presidential Economics Council. The Government stated that the centrepiece of every policy is the Poverty Eradication Action Plan (PEAP), and that some programmes already have been implemented. Two of the central programmes include providing microcredit. The youth entrepreneurs scheme targets young university graduates. To date it has trained 1,200 participants in entrepreneurship and provided

loans to 795. The Entandikwa credit scheme targets the poor, and has so far supported 180 rural microcredit institutions and increased access to credit of marginalized people, in particular, women, youth and persons with disabilities. The Committee noted these schemes with interest and requested further information on the impact of microcredit on employment promotion, as well as further details on other employment promotion programmes implemented.

YEMEN

Position with regard to ILO Conventions

I. Among the relevant ILO Conventions, Yemen has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, and 182.

II. **Comments made by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 2001 direct request the Committee referred to section 67 of the Labour Code which contains a provision limiting female workers' entitlement to wages equal to those of men if they perform the same work under the same conditions and specifications, while requiring equal wages to be paid to Yemenis and non-Yemenis if their working conditions, qualification, experience and competence are equal. The Committee noted the Government's statement that it would take the necessary measures to amend these provisions so as to bring them fully into conformity with *Article 1 of the Convention*, which goes beyond "same work" by requiring equal remuneration for men and women workers for *work of equal value*. The Committee requested the Government to provide in its next report information on the measures taken with a view to amending section 67 of the Labour Code to bring it fully in line with *Article 1* of the Convention.

As regards ensuring equal remuneration of men and women in the government sector, the Committee noted from the Government's report that Presidential Order No. 122 of 1992, which had been promulgated under the Civil Service Code (Law No. 19 of 1991), including provisions on the application of objective criteria for the evaluation of government sector employees, as provided for under section 173(d) of the Civil Service Code. The Government was requested to submit a copy of Presidential Order No. 122 with its next report.

The Committee thanked the Government for providing relevant statistical information. The Committee noted that the large majority of women engaging in remunerated jobs work in the public sector and that only a very small percentage is active in the private sector (5 per cent). The Committee noted that overall women's wages amount to 72 per cent of men's wages. The Committee also noted that wage differentials in some areas of economic activity, including sales, agriculture, production and transport, are significantly higher than in others, such as the service sector, science and technical and office work. Noting that women with remunerated jobs work to a large extent in the government sector, the Committee asked to receive information on the levels of income of men and women in that sector. The Committee requested the Government to provide information on any measures taken or planned to address existing wage differentials, e.g. through promoting women's access to training and positions offering higher levels of remuneration.

Convention No. 111: In its 2000 direct request, the Committee referred to the exemptions from coverage under the Labour Code (Act No. 5 of 1995), including casual workers, household servants and agricultural workers. The Committee noted that according to the Government casual and domestic workers were indirectly covered by the Labour Code and that the Government was currently drafting regulations and orders to regulate these workers more fully. The Committee requested the Government to keep it informed of measures to protect casual workers, household servants and agricultural workers from discrimination in treatment and to promote equality of opportunity in occupation and employment, as required by the provisions of the Convention.

The Committee noted that women's participation rates in the economically active labour force remain low at approximately 17 per cent. It further noted the Government's statement that this rate is significantly lower than the participation rate of men (74 per cent) and can be attributable to a number of factors including social custom and traditions, low educational levels, and early marriages. The Committee also recalled its previous comment regarding the large number of girls aged ten to 14 in the labour force. In this regard, it noted the various initiatives undertaken by the General Administration for the Promotion of Working Women to increase and encourage the participation of women in the labour market, including symposia and skills training courses.

Regarding maternity leave, the Committee noted the Ministry of Labour has submitted a proposal for an amendment to section 45(1) of the Labour Code to extend the statutory leave period from the current 60 days to ten weeks. According to the most recent report of the Government (September 2001), the proposal was still being considered.

A report by the Government has been received in September 2001 and will be examined by the Committee of Experts at its November-December 2002 session.

Convention No. 122: In its 2001 direct request, the Committee noted the Government's statement that the first five-year plan (1996-2000) succeeded in decreasing inflation, stabilizing local employment, decreasing the budget deficit, encouraging investment and creating new job opportunities. Much of the employment created was due to infrastructure investment. A draft programme on vocational training has been submitted to the Chamber of Deputies for final adoption. The Committee asked for further information on the content of the programme on vocational training, once it has been adopted, including disaggregated statistics on the number of participants and the subsequent rate of job placement. It also asked for further information on other programmes which exist or are being formulated to promote employment, particularly for disadvantaged groups. The Government stated that it was still in the process of developing a database on labour market statistics. The Committee hoped that the database would be completed soon and that the Government will be in a position to provide disaggregated statistics on trends in the labour market.

Convention No. 156: In its 1999 direct request the Committee noted the Government's reference to the non-discrimination provision set forth in section 5 of the Yemeni Labour Code, Act No. 5 of 1995, which prohibits discrimination in employment on the basis, inter alia, of gender. The Committee reminded the Government that member States that ratify the Convention undertake to make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without discrimination and, to the extent possible, without conflict between their employment and family responsibilities. Accordingly, the Committee again requested the Government to supply information on any specific measures taken or envisaged to formulate and implement such a national policy.

The Committee noted with interest the information contained in the report concerning the National Programme for Productive Families, particularly measures taken by the Government to provide vocational training and rehabilitation to women to enable them to find employment and increase their family income. The Committee requested the Government to provide information on specific measures taken to assist these women in balancing their work and family responsibilities, such as providing childcare facilities during the vocational training process, or vocational guidance, counselling, information and placement services staffed by personnel able to respond to the special needs of workers with family responsibilities. Further, the Committee reminded the Government that the Convention applies to both men and women workers with family responsibilities and requested the Government to continue to provide information on measures taken or envisaged to create conditions conducive to equality of opportunity and treatment for these workers.

The Committee noted the Government' reference to section 803 of the Civil Code (No. 19 of 1992) and that it did not provide for protection related to the application of this Convention. However, the Committee requested the Government to indicate any specific measures taken to ensure that workers are not terminated from their employment due to their family responsibilities and asked the Government to indicate whether it contemplates modifying the Yemeni Labour Code to expressly prohibit the dismissal of workers on the grounds of family responsibility.

Part III: Additional Information

Uganda

The Government has established, with ILO assistance, a special unit within the Ministry of Finance and Planning, to oversee implementation of labour-intensive and labour-based programmes. A large programme on implementation has been completed and the ILO is assisting in the impact evaluation. The Government also has drawn up a plan for modernization of agriculture, which is expected to generate employment, including the agro-processing industries. It has undertaken a project on poverty reduction through skills and enterprise development, with funding from the United Nations Development Programme (UNDP) and assistance from the Office. The UNDP is funding US$12 million. Furthermore, Uganda is part of the Jobs for Africa Poverty Reduction Strategy in Africa of the ILO, which pays attention to the gender gap in labour force participation, and has completed a study on investment for poverty reduction employment and prepared a draft country action programme which outlines a number of projects and programmes.

Yemen

After the 1997 International Labour Conference, the Ministry of Labour and Vocational training has established a Directorate for working women in order to promote female employment and protection women workers. In 1998, Yemen requested ILO technical assistance in formulating the organisational structure of the Directorate. A national strategy for female employment was developed with the assistance of ILO and UNIFEM. Subsequently, ILO has drawn up a project proposal for technical cooperation to support the implementation of the strategy.